
(2011) 08 SHI CK 0087
In the High Court Of Himachal Pradesh
Case No : Criminal M.P. (M) No. 524 of 2011

Satish Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (2011) 08 SHI CK 0087

Hon'ble Judges : Kuldip Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kuldip Singh, J.—This is an application, u/s 438 Code of Criminal Procedure for releasing the Petitioner on bail in FIR No. 7/2010, registered at Police Station SV and ACB Shimla on 2.3.2010. The status report has been filed, record perused.

2. It has been stated in the application that applicant is a registered government contractor in Himachal Pradesh Public Works Department. He was registered as D-Class contractor in the year 2000-01. He became C-Class contractor in the year 2005-06. Thereafter he became B-Class contractor in the year 2007. The applicant became D-Class contractor on the basis of work done and his performance. The registration of the applicant was done by the Chief Engineer (South), Shimla after satisfaction. The applicant is apprehending his arrest in the above case. He is innocent. The applicant is ready to join the investigation and abide by the terms of bail in case he is released on bail. No. recovery is to be made from him. The learned Counsel for the applicant has prayed for grant of bail to the applicant.

3. The bail application has been opposed by the learned Additional Advocate General on the ground that applicant submitted forged documents and obtained classification as contractor. It has been submitted that series of documents have been forged by the applicant. In these circumstances, the applicant is not

entitled to bail. The learned Addl. Advocate General has prayed for dismissal of the bail application.

4. I have heard the learned Counsel for the parties. In the status report, it has been stated that case has been registered on the basis of a letter endorsement No. 1434 dated 27.2.2010, which was received on 2.3.2011 from Superintendent of Police, SV and ACB, S.R., Shimla alongwith inquiry report for registration of criminal case and thereafter the case was registered. In the inquiry report, it has come on record that applicant had submitted documents at the time of getting himself upgraded from class-C to B, one work done certificate No. 121 issued by the Executive Engineer, HPPWD, Division Chopal dated 8.6.2006 in which vide agreement No. 35 of 2003-2004 work awarded to contractor Satish Kumar Thakur has been shown Rs. 3,89,316/-, whereas in original agreement obtained from the office of Executive Engineer HPPWD Division, Chopal the award amount is Rs. 89,316/- only. Thus in work done certificate Rs. 3 lakhs has been shown in excess. In work done certificate No. 121 vide agreement No. 36, work awarded to contractor Satish Kumar Thakur, the award amount has been shown Rs. 4,97,186/-, whereas in original agreement the award amount is only Rs. 97,186/-. Thus an amount of Rs. 4 lacks has been shown in excess. Similarly, in work done certificate No. 122 issued on 8.6.2006 by the Executive Engineer, HPPWD Division, Chopal, the work awarded to contractor Satish Kumar Thakur vide agreement No. 199 for the year 2005-2006, the award amount has been shown Rs. 8,28,625/-, whereas in original agreement award amount is Rs. 5,23,597/- only. Thus an amount of Rs. 3,05,028/- has been shown in excess.

5. has also come on record that work done certificate No. 302 issued by the Executive Engineer, HPPWD Division, Rajgarh dated 5.6.2006 vide which agreement No. 132 year 2005-2006 for the construction of balance work of Prem Nagar Chandog road K.M. 0/0 to 7/0 (SH providing cross drainage works in KM 5/0 to 7/0) and amount award Rs. 8,33,920/- shown by Satish Kumar Thakur, but this work never awarded to Satish Kumar and as per record of Executive Engineer, HPPWD Division, Rajgarh vide agreement No. 146 year 2005-2006 this work was awarded to Bhiwani, Rural Youth Labour and Farmers Welfare Society for Rs. 13,23,986/-.

6. It has been alleged that Satish Kumar Thakur has also procured the document i.e. work done certificate No. 46 year 2006-2007 dated 16.10.2006 issued by the Executive Engineer, HPPWD Division, Sangrah for the work (B&R) Division HPPWD Sangrah for the work c/o Link Road from Akhrot Farm to Thontha (SH: c/o 5/7 meters wide formation cutting KM 0/0 to 1/0) against agreement No. 52 for the year 2006-2007. The amount of work executed by him completion cost is shown Rs. 7,98,480/- only, on the contrary in the original record vide agreement No. 77 this work was awarded to Petitioner for Rs. 7,94,750/-.

7. It has been submitted that above record indicates that Petitioner has procured or prepared fake work done certificates by using forged ink stamps and forged signatures of the issuing officers. The Petitioner during interrogation has

disclosed that these fake work done certificates have been prepared by him with the assistance of one Ram Lal, who was Senior Assistant in the office of Engineer-in-Chief, Shimla, who has expired on 4.8.2007.

8. There are serious allegations against the applicant for preparing fake documents and submitting those documents to competent authority for obtaining different classifications as contractor from time to time. In facts and circumstances, it is not a fit case, where the applicant is to be released on bail, u/s 438 Code of Criminal Procedure at this stage. The application is accordingly dismissed.

9. Any observation made hereinabove shall not be construed as an expression of opinion over the merits of the case.